IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 19420 of 2007(J)

PETITIONER:
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1. **M.VELAYUDHAN PILLAI, S/O.MAHDAVAN PILLAI AGED 65 YEARS, RESIDING IN ANANDASREE, DR.G.R.ROAD,NEYYATTINKARA P.O.,TRIVANDRUM.**

2. **ANANDAVALLY AMMA, D/O.NEELAMMA PILLAI, ANANDASREE,DR.G.R.ROAD,NEYYATTINKARA P.O., TRIVANDRUM.**

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:
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1. **THE STATE OF KEALA, REP. BY THE SECRETARY TO GOVERNMENT (REVENUE), GOVT.SECRETRIAT,THIRUVANANTHAPURAM.**

2. **THE TALUK TAHSILDAR, NEYYATINKARA.**

3. **THE NEYYATTINKARA MUNCIPALITY, REP. BY ITS SECRETARY,NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR
GOVERNMENT PLEADER SRI.K.I.MUHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

W.P.(C) NO.19420/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SALE DEED NO.1977/84 DT. 10.10.84 OF NEYYATINKARA SUB REGISTRY OFFICE.

EXT.P2:- COPY OF THE BASIC TAD RECEIPT NO. 0668873 DT. 6.2.07.

EXT.P3:- COPY OF THE REPORT NO.G4 29846/04 DT. 29.9.04 OF THE TALUK SURVEYOR.

EXT.P4:- COPY OF THE RE-SURVEY PLAN DT. 23.12.98.

EXT.P5:- COPY OF THE PERMIT ISSUED BY THE 3RD RESPONDENT DT. 23.3.07.

EXT.P6:- COPY OF THE APPORVED PLAN DT. NIL.

EXT.P7:- COPY OF THE NOTICE DT. 4.6.07.

EXT.P8:- COPY OF THE REPLY SUBMITTED BY THE PETITIONERS TO THE 3RD RESPONDENT DT. 5.6.07.

/TRUE COPY/

P.A. TO JUDGE

tss

PIUS C. KURIAKOSE, J.

W.P.(C) NO.19420 of 2007

Dated this the 19th day of September , 2007

JUDGMENT

The grievance of the petitioners is that the Municipality has stopped all the constructions which they undertook on the basis of building permits which have been validly issued to them. Ext.P7 notice issued by the Municipality is under challenge in this writ petition.

2. Heard Sri.G.S.Raghunath, the learned counsel for the petitioners, Sri.Pirappancode V.Sreedharan Nair, the learned counsel for the 3rd respondent Municipality and Sri. K.J.Muhamed Anzar the learned Government Pleader for respondents 1 and 2. It is seen from Ext.P7 that the same has been issued on the basis of a complaint received by the Municipality that the constructions are being made up on the puramboke. It is also seen that on the basis of the above complaint, the Municipality requested the 2nd respondent -Taluk Tahsildar to have a measurement for verifying the correctness of the complaint. Sri.Reghunath the learned counsel for the petitioner submits that on account of Ext.P7, the entire construction work is now held up.

2. Having regard to the rival submissions and on considerations of justice to both sides, the writ petition itself can be disposed of issuing the following directions:

3. The 2nd respondent Tahsildar is directed to conduct measurement with notice to the petitioners and the person who filed the complaint referred to in Ext.P7 and submit a report to the 3rd respondent immediately. The 3rd respondent, upon receiving the report from the 2nd respondent, will hear the petitioners and the author of the complaint and take an early decision. The concerned respondents will ensure that the above directions are complied with at their earliest and at any rate within one month of receiving a copy of this judgment.

The writ petition is disposed of as above.

PIUS C. KURIAKOSE,
JUDGE.

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